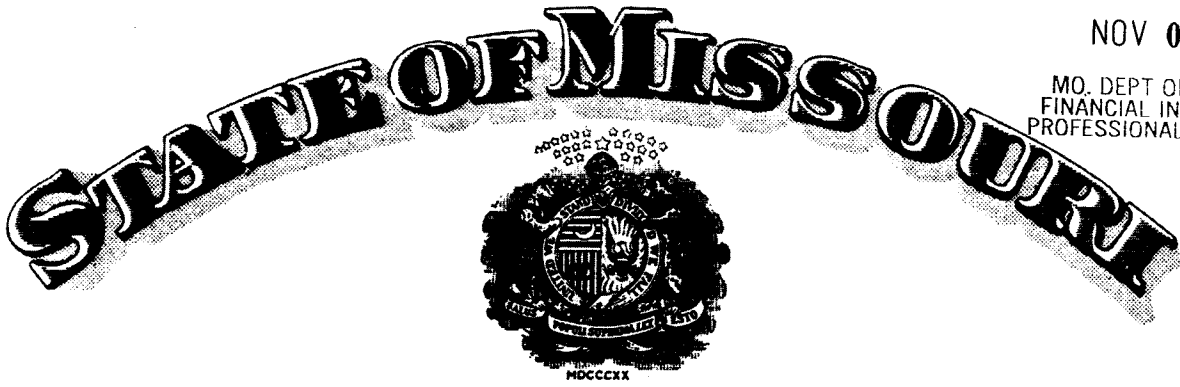


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MO. DEPT OF INSURANCE,  
FINANCIAL INSTITUTIONS &  
PROFESSIONAL REGISTRATION

**DEPARTMENT OF INSURANCE, FINANCIAL  
INSTITUTIONS AND PROFESSIONAL REGISTRATION**

P.O. Box 690, Jefferson City, Mo. 65102-0690

**IN RE:** Regina Denise Muwwakkil )

)

)

**Case No. 07-1101379C**

**SERVE:** Regina Denise Muwwakkil )

3117 E. 11<sup>th</sup> Street )

Kansas City, Missouri 64127 )

Telephone: (816) 921-5500 )

**STATEMENT OF CHARGES**

The Division of Consumer Affairs of the Department of Insurance, Financial Institutions, and Professional Registration, by and through counsel, requests the Director of the Department of Insurance, Financial Institutions, and Professional Registration ("Director") to issue a cease and desist order and order payment of costs of investigation based on the following statement of charges:

## **PARTIES**

1. Regina Denise Muwwakkil (“Respondent”) is currently licensed by the Department of Insurance, Financial Institutions and Professional Registration as a general bail bond agent (License Number GB379215).

2. The Director has the duty to administer Chapters 374, 375, and 379, RSMo, which includes the supervision, regulation, and discipline of general bail bond agents, agencies, and their agents licensed to operate and to do business in the state of Missouri.

3. The Consumer Affairs Division of the Department of Insurance, Financial Institutions, and Professional Registration (“Consumer Affairs Division”) has the duty of conducting investigations into the unfair or unlawful acts of general bail bond agents and bail bond agents under the insurance laws of this state and has been authorized by the Director to initiate this action before the Director to enforce the insurance and bail bond laws of this state.

4. Regina Denise Muwwakkil is licensed by the Director as a general bail bond agent pursuant to § 374.710, RSMo (Supp. 2006), license number GB379215, and as defined in § 374.700(5), RSMo (Supp. 2006). Respondent was licensed with the department on September 25, 2006 as a general bail bond agent for the stated purpose of, *inter alia*, operating a bail bonding agency.

## **JURISDICTION**

5. The Director is authorized to issue a cease and desist order pursuant to the provisions of 374.026, RSMo (Supp. 2006) “whenever it appears that any person is

acting as a . . . general bail bond agent without a license or violating any other provisions of sections 374.695 to 374.789.”

6. The jurisdiction of the Director, and the specific procedure to initiate and administer this proceeding is found in § 374.046.1, RSMo (Supp. 2006) which provides:

If the director determines based upon substantial and competent evidence that a person has engaged, is engaging in or has taken a substantial step toward engaging in an act, practice, omission, or course of business constituting a violation of the laws of this state relating to insurance in this chapter, chapter 354, RSMo, and chapters 375 to 385, RSMo, or a rule adopted or order issued pursuant thereto or that a person has materially aided or is materially aiding an act, practice, omission, or course of business constituting a violation of the laws of this state relating to insurance in this chapter, chapter 354, RSMo, and chapters 375 to 385, RSMo, or a rule adopted or order issued pursuant thereto, the director may order the following relief:

- (1) An order directing the person to cease and desist from engaging in the act, practice, omission, or course of business;
- (2) A curative order or order directing the person to take other action necessary or appropriate to comply with the insurance laws of this state;
- (3) Order a civil penalty or forfeiture as provided in section 374.049; and
- (4) Award reasonable costs of the investigation.

7. Section 374.049, RSMo (Supp. 2006) authorizes the Director to impose a monetary penalty or forfeiture of not more than one thousand dollars (\$1,000) for each violation which resulted in actual financial loss to consumers or which was knowingly committed, but not to exceed an aggregate penalty or forfeiture of fifty thousand dollars (\$50,000) per annum, unless the violation was committed in conscious disregard of the law, in which case the monetary penalty or forfeiture may be up to five thousand dollars (\$5,000) for each violation but not to exceed an aggregate penalty of one hundred thousand dollars (\$100,000) per annum.

## COUNT I

8. Respondent violated § 374.715, RSMo (Supp. 2006) and 20 CSR 700-6.200 Assignment and Acknowledgement, by failing to maintain liquid assets of at least ten thousand dollars (\$10,000.00) assignable to the department along with a duly executed assignment of such assets to the state of Missouri. The maintenance of liquid assets and the assignment of such assets are necessary to assure the public that a licensed general bail bond agent is financially sound and can back the bonds it writes.

9. Section 375.715.2, RSMo (Cum. Supp. 2006), states, in pertinent part:

. . . each applicant for licensure as a general bail bond agent shall furnish proof satisfactory to the department that the applicant possess[es] liquid assets of at least ten thousand dollars, along with a duly executed assignment of ten thousand dollars to the state of Missouri. The assignment shall become effective upon the applicant's violating any provision of sections 374.695 to 374.789.

10. 20 CSR 700-6.200 Assignment and Acknowledgement clarifies the asset assignment requirements. 20 CSR 700-6.200(1) states, in pertinent part:

The ten thousand dollar (\$10,000) – or twenty-five thousand dollar (\$25,000) - asset or assets required by sections 374.715, RSMo, shall be held in the name of the general bail bond agent with the state of Missouri, director of the Department of Insurance as assignee.

11. The facts are as follows:

- a. On September 7, 2007, the department received notice from Douglass National Bank that funds in the amount of ten thousand, two hundred fifty dollars and eighty-seven cents (\$10,250.87), previously held at such bank under Certificate of Deposit number 22510 in the name of

Regina D. Muwwakkil, had been forwarded to the Circuit Court of Jackson County, Missouri, by order of the same.

- b. On September 7, 2007, the department contacted, by phone, the Respondent and informed her that the department would be issuing a deadline of October 1, 2007, for her to secure a new certificate of deposit to replace the aforementioned certificate of deposit, its underlying funds having been forwarded to the Jackson County Court.
- c. On October 31, 2007, the department contacted the Respondent regarding her required securing of a replacement certificate of deposit. The Respondent confirmed that a replacement certificate of deposit had not been secured.
- d. Respondent does not possess liquid assets in the amount of ten thousand dollars (\$10,000.00) assignable to department.
- e. Respondent is currently engaged in the business of bail bonding in this state in that Respondent makes, writes or takes, property bonds in connection with judicial proceedings in this state.

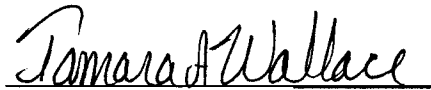
12. The conduct of Respondent, as described in the aforementioned facts, constitutes a violation of § 374.715, RSMo (Supp. 2006).

**RELIEF**

**WHEREFORE**, the Division of Consumer Affairs of the Department of Insurance, Financial Institutions, and Professional Registration requests that the Director issue an order granting the following relief:

- A. Find that Regina Denise Muwwakkil engaged in the unlawful act[s] alleged herein;
- B. Issue an order prohibiting Regina Denise Muwwakkil, a general bail bond agent, and her agents and employees from violating or materially aiding in any violation of § 374.715 (Supp. 2006);
- C. Order Regina Denise Muwwakkil to pay reasonable costs of investigation; and
- D. Such other relief as the Director deems just in this proceeding.

Respectfully submitted,



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ATTORNEY FOR DIVISION OF  
CONSUMER AFFAIRS